



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200000614
Date: August 11, 2004

Comments Due: September 10, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a proposal to establish the Elsie Gridley Mitigation Bank. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>. The applicant's Prospectus is also available on compact disc at the Dixon Public Library, 230 North First Street, Dixon, CA 95620, the Solano County Library, 1150 Kentucky Street, Fairfield, CA 95333 and the Solano Community College Library, 4000 Suisun Valley Road, Suisun City, CA 94534.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Wetland Resources, LLC, 3000 Bridgeway, # 205, Sausalito, California 94965, Attn: Ed Flynn, Telephone: (415) 289-0252

LOCATION: The approximately 1849-acre project site is located south of Dixon in Sections 1, 12 and 13, Township 5 North, Range 1 East and Sections 6, 7 and 18, Township 5 North, Range 2 East, MDBM (see the Dozier USGS Topographic Quadrangle map and attached drawings) in eastern Solano County, California. The site is bounded approximately by Brown Road on the north, by State Route 113 on the west, by Jepson Prairie, SR 113, Barker Slough and agricultural land on the south, and by Salem Road and agricultural land on the east.

PROJECT DESCRIPTION: The overall project purpose is to establish a substantial wetlands, endangered species and natural resources preserve in Solano County and to create mitigation credits for sale to third party permittees. The mitigation bank would consist of both existing and newly constructed and/or restored vernal pools, swales, seasonal wetlands and riparian and other habitat types similar to potentially impacted natural habitat in the region. Credits would be created through construction, restoration, enhancement and preservation of wetlands, riparian and other habitat types. Credits would be used to offset authorized impacts to federally and state regulated wetlands and federally and state listed and proposed threatened or endangered species habitat in the "Service Areas" shown on the attached drawings. Approximately 385 acres of existing waters of the United States have been verified on the site. These waters include portions of Barker Slough, Ulati Creek, Alamo Creek, unnamed irrigation drainage tributaries and associated riverine perennial and seasonal marsh and other seasonal wetlands. Waters on the site also include vernal pools, alkali playa pools and other depressional seasonal wetlands. The applicant has estimated up to 170 acres of new wetlands and associated habitat would be restored or created within an approximately 650-acre portion of the project site. Existing wetlands and other sensitive habitat types would be enhanced and preserved on the balance of the property. Proposed wetland and riparian habitat creation and restoration would occur in areas where wetlands have been converted to uplands through historical soil surface leveling. New meandering channels and riparian habitat would be constructed along and adjacent to existing channelized irrigation drainage

channel(s). Construction of new habitat, including vernal pools, swales, seasonal wetlands, intermittent channels and riparian habitat would occur in phases depending on funding and demand.

Approximately 99 acres of the bank site are under existing easements or otherwise excluded from the bank because of potential future activities (e.g., widening and realignment of Highway 113). Of the remaining 1750 acres to be covered under the bank conservation easement, approximately 1100 acres would be set aside for vernal pool and associated grassland species habitat preservation. The remaining 650 acres include large areas where natural vegetation, topography and biological functions and values have been substantially removed through past agricultural and other activities. The habitat values of these areas would be restored over time through vernal pool ecosystem restoration and riparian habitat creation. Rotational livestock grazing and specific directed control will be the primary management tools to minimize cover by non-native grasses and the accumulation of thatch and noxious weeds. The mitigation site is proposed to be monitored and maintained according to the guidelines outlined in the applicant's proposed Elsie Gridley Preserve Resource Management Plan and a Bank Enabling Instrument (BEI) among the applicant, the Corps, and other Mitigation Bank Review Team (MBRT) members, including the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the California Department of Fish and Game.

The initial phase of restoration is planned to begin in the southeast corner of the property, and includes construction of approximately 50 vernal pools covering 16.34 acres, one alkali playa pool covering 3.15 acres, and approximately 1,130 linear feet of approximately 8 to 10-foot wide 1 to 2-foot deep meandering channel and approximately 0.50 acres of riparian habitat. An additional, approximately 4 acres of riparian vegetation is proposed to be planted along Barker Slough. Preliminary layouts for future restoration areas for vernal pool, vernal swale, alkali playa pool, and associated seasonal wetlands/mesic grassland are shown on the attached drawings. Detailed construction plans will be submitted to the MBRT for review and approval prior to initiating restoration, creation or other construction activities on the site. Certain wetland and riparian habitat restoration activities on the site may be authorized by Nationwide Permit 27. Mitigation credits will be based on as-built conditions and documentation of achieving required performance criteria.

ADDITIONAL INFORMATION:

Environmental Setting. The applicant has stated the bank site lies in an area identified as a high priority for vernal pool preservation, restoration, and management for several vernal pool associated species and in an area identified as a High Priority Area for Conservation Activities in the Solano Habitat Conservation Plan/Natural Community Conservation Plan being developed in Solano County. The site is adjacent to the Jepson Prairie Preserve. The site is relatively level with only minor changes in topography and primarily used for livestock grazing. The on-site portions of both Ulatis and Alamo Creeks have been channelized and are managed as flood control channels by the Solano County Water Agency and are excluded from the proposed mitigation bank's boundaries. A channelized irrigation drainage channel runs roughly parallel to Highway 113 in the southern portion of the site to Barker Slough. General habitat types on the site include approximately 29 acres of vernal pools, 27 acres of vernal marsh, 80 acres of alkali playa pools, 216 acres of alkali mesic grassland seasonal wetlands, 13 acres of perennial marsh primarily associated with Barker Slough, native grasslands with purple needle grass, other seasonal marsh and wetlands, some woody riparian vegetation including black willows along small sections of the channelized irrigation drainage channel, non-native grasslands, and several small eucalyptus groves. The applicant has provided the following description of these habitat types. Vernal marsh vegetation occurs along the northern edge of Barker Slough, in areas west of Alamo Creek and east of Ulatis Creek. These areas support common emergent species such as common spikerush, water plantain, rush and damasonium. Other species present in areas that tend to be slightly less wet include Italian wild rye, Mediterranean barley and coyote thistle. Alkali mesic grassland, or seasonal wetland, occurs on the level, broad flats and is primarily associated with the Solano loam soil series. These areas tend to have saturated soil conditions for a prolonged period of time in the spring. Vegetation in this community provides less cover than in other grasslands and species diversity is relatively low because of

the alkaline conditions. Currently, the vegetation is dominated by common, nonnative grasses such as Italian wild rye and Mediterranean barley. However, there are remnant native species that were probably characteristic of this community in its natural state such as coyote thistle, saltgrass and alkali sacaton. The uncommon alkali milkvetch is also present in this community. Alkali playa pools occur throughout the property, especially in the central portion, and are mostly associated with Pescadero clays and Solano-Pescadero complex soils. The playa pools differ from vernal pools by their larger size and depth and their ability to hold water longer. These playa pools are mostly uniformly flat and support species typical of Sacramento Valley vernal pools, as well as species unique to the alkalinity of these soil types. Species observed in these pools include delta woolly-marbles, coyote thistle, stipitate popcorn flower, saltgrass, blennosperma and goldfields. Species unique to playa pools and the associated alkali grasslands on the site include alkali heath, saltgrass, and alkali milkvetch. Vernal pools are found throughout the site on the Capay, Solano, and Pescadero series soils. Although these features may have alkali soil conditions they differ from playa pools in size and microtopography. Vernal pools on the site also do not typically support extensive populations of common alkali plants such as saltgrass and alkali heath. Vernal pools support a variety of common vernal pool species, including woolly-marbles, stipitate popcorn flower, vernal pool buttercup, mesa mint, coyote thistle, hairgrass, goldfields, delta woolly-marbles, downingia, Pacific meadow foxtail, and little spike-rush

Alternatives. The applicant has not provided extensive detailed information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent.

Tribal Rights. No reserved tribal rights, including water rights, hunting or fishing rights, will be affected or impaired by the proposed activity. This condition is not applicable.

Water Quality Certification. The applicant has indicated a request will be submitted for water quality certification under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board.

HISTORIC PROPERTIES: The applicant has initiated cultural resource surveys for the proposed bank property. Their assessment included information center and in-house records searches, historical agency and Native American contact through letters and follow-up phone calls, and a cultural resources field survey. The applicant has stated the field survey was completed on May 7, 2004, the report is currently in progress and will be submitted to the Corps as soon as it is completed. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: Surveys for special-status species were conducted by the applicant 2001, 2003 and 2004. Based on these surveys, five federally listed threatened or endangered species have been documented or are expected to occur on the bank lands. The proposed activities may affect these species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: Essential Fish Habitat may occur within the project area. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its

reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200000614, must be submitted to the office listed below on or before September 10, 2004.

Michael Finan, Project Manager, US Army Corps of Engineers, Sacramento District, Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, Email: Michael.C.Finan@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Michael Finan, 916-557-5324, Michael.C.Finan@usace.army.mil.

Attachments: 10 drawings